

Opinion No. 38-1995

July 12, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. Leon H. Harms Secretary-Manager New Mexico State Fair Albuquerque, New Mexico

{*249} Your letter of July 11th, together with correspondence and form of proposed vouchers for use by the New Mexico State Fair, has been received, and I note your desire for advice as to whether or not the New Mexico State Fair as a state department may legally make use of this method of disbursing funds.

Your attention is directed to Section 6 of Chapter 69 of the Session Laws of 1935 which provides in part that no monies derived from the sale of bonds or otherwise borrowed by such institution (New Mexico State Fair) shall be required to be paid into the State Treasury but shall be deposited by the Treasurer or other fiscal officer of the Fair in a separate bank account in institutions designated by the Fair Commission, etc.

Also, the New Mexico State Fair, by Section 2 of the act above cited, was constituted and confirmed a body politic and corporate for the purposes of carrying out the various State Fair Laws, and many of the usual powers of a corporation were granted to the entity.

It would seem that it was the intention of the Legislature that the New Mexico State Fair be not required to handle its funds in the usual methods required by our public monies act and as applied to other state institutions or commissions and agencies, and in view of the sections quoted and apparent intention of the Legislature I therefore approve the method of issuing vouchers and checks as proposed by you.

I herewith return your said forms, together with correspondence attached thereto.